

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of the Certificate
of Chad M. Johnson, EMT
Certificate No. 921078

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between Chad M. Johnson, EMT ("Respondent"), and the Complaint Review Panel ("Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a certificate as an Emergency Medical Technician ("EMT") in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. The Panel is represented by Karen B. Andrews, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1406.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On May 9, 2011, Respondent was convicted in Kandiyohi County of felony Theft by Swindle. The conviction was based on Respondent's theft of approximately \$15,300 from a fire department between August 2008 and April 2010. Respondent was serving as the fire department's head treasurer at the time of the theft. Pursuant to a stay of imposition,

Respondent's felony conviction may be reduced to a misdemeanor if he complies with the terms of his sentence.

b. Respondent retired from the fire department last year after 12 years of service. He is currently employed by an ambulance service.

STATUTES

4. The Panel views Respondent's conduct as inappropriate in such a way as to justify Board action under Minnesota Statutes section 144E.28, subdivisions 4 and 5(a)(3), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action under these statutes.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Conditions

5. The Board **REPRIMANDS** Respondent for the conduct outlined in this Stipulation and Order.

6. The Board places the following **CONDITIONS** on Respondent's EMT certificate:

a. Continuing Education. Within 60 days of the date of this Stipulation and Order, Respondent shall submit to Board staff evidence of successful completion of at least four (4) hours of continuing education on the topic of ethics. Respondent shall submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive advance approval from Board staff of classes that Respondent takes in fulfillment of this condition.

b. Typewritten Report. Within 30 days of completion of the continuing education, Respondent shall submit to Board staff a report summarizing what he learned in the course and how it relates to his past conduct. Respondent's report shall be typewritten, double-spaced, and at least two pages in length.

7. Respondent shall notify each present and future EMS supervisor of this Stipulation and Order within ten days of the date of the Order or commencing employment. Respondent shall provide the supervisor with a copy of the entire signed Stipulation and Order.

B. Removal of Conditions

8. The conditions upon Respondent's EMT certificate shall be administratively removed upon Respondent's completion of the continuing education and typewritten report, and upon written notification to Respondent by the Board of the removal of the conditions.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. If Respondent fails to comply with or violates this Stipulation and Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's license is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Respondent's practice, suspension, or revocation of Respondent's certificate.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's certificate pursuant to Minnesota Statutes section 144E.28, subdivision 6, based on a violation of this Stipulation and Order or based on conduct of Respondent not specifically referred to herein.

ADDITIONAL TERMS

10. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Pamela Biladeau at the Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

11. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this stipulation and order.

12. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minnesota Statutes section 144E.30, subdivision 3 applies to such requests.

13. Respondent waives the contested case hearing and all other procedures before the Board to which he may be entitled by Minnesota or United States Constitutions, statutes, or rules.

14. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Respondent.

15. This Stipulation and Order, the files, records, and proceedings associated with this matter, shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

16. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

17. Respondent is aware this Stipulation and Order must be approved by the Board before it goes into effect. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon, introduced in any disciplinary action by either party hereto, except that Respondent agrees that if the Board rejects this stipulation and this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.


18. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

19. Under the Minnesota Government Data Practices Act, this stipulation and order is classified as public data. Minnesota Statutes section 13.41, subdivision 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to the Health Insurance Portability and Accountability Act of 1996, the Board must report the disciplinary action contained in this stipulation and order to the Healthcare Integrity and Protection Data Bank.

Dated: 9-13-11

Dated: 9-19-2011


CHAD M. JOHNSON, EMT


FOR THE PANEL

Respondent

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by
the Board this 17 day of November, 2011.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD

By: Pamela Biladeau
PAMELA BILADEAU
Executive Director